IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Plastina et al. Art Unit 2178
Serial No. 10/622,767
Filed July 18, 2003
Confirmation No. 8677
For ASSOCIATING IMAGE FILES WITH MEDIA CONTENT
Examiner Manglesh M. Patel

SUPPLEMENTAL DECLARATION OF PLASTINA ET AL. UNDER 37 C.F.R. § 1.131(a)

TO THE COMMISSIONER FOR PATENTS,
SIR:

This supplemental declaration further establishes completion of the invention of the above-identified application in the United States before February 7, 2003, the earliest effective publication date of the MusicMatch Jukebox User's Guide, Chapters A1-A6 & 1-9.

We, Daniel Plastina and Michael Novak, declare as follows:

1. We are joint inventors of the subject matter claimed in the above-identified U.S. Patent Application Serial No. 10/622,767.

2. a) I, Daniel Plastina, am currently employed by Microsoft Corporation of Redmond, Washington as a Principal Group Program Manager.

b) I, Michael Novak, am currently employed by Microsoft Corporation of Redmond, Washington as a Senior Software Design Engineer.

3. Exhibits A, B, C, D, and E are submitted herewith as evidence of reduction to practice of the invention claimed in this patent application. Exhibit A is a section of computer programming code that we prepared and tested on December 11, 2002. The program code in Exhibit A is an excerpt from the WINDOWS MEDIA brand technologies player software program that was in development on December 11, 2002.

We tested the WINDOWS MEDIA brand technologies player software program (of which the program code in Exhibit A is an excerpt) on July 18, 2002 and found that it worked for its intended purpose. Thus, we completed the invention as claimed in the present application at least as early as July 18, 2002.

4. Exhibit B is an electronic mail message dated July 19, 2002, having portions redacted, that accompanied checkin of the program code in Exhibit A into a build of the WINDOWS MEDIA brand technologies player software program. Exhibit B shows that the program code in Exhibit A was incorporated into the WINDOWS MEDIA brand technologies player software program under development on July 19, 2002.

5. In Exhibit B, the DevBVT entry of "ran and passed" indicates that the program code in Exhibit A was further tested and executed successfully on July 19, 2002. As such, Exhibit B establishes the fact that the program code in Exhibit A worked for its intended purpose at least as early as July 19, 2002.

6. Exhibit C is a testing results document, having portions redacted, relating to the WINDOWS MEDIA brand technologies player software program (of which the computer programming code shown in Exhibit A is an excerpt). Exhibit C shows that the WINDOWS MEDIA brand technologies player software program worked for its intended purpose at least as early as July 20, 2002 to display either album art (e.g., an image file) stored in local memory or album art (e.g., an image file) downloaded from a remote location. In particular, approximately lines 38-43 show an entry indicating that the operation of the program code in Exhibit A was verified in two separate builds (2777 and 2778) of the WINDOWS MEDIA brand technologies player software program on July 20, 2002. Additionally, the operation of the program code in Exhibit A was verified in another build (2780) of the WINDOWS MEDIA brand technologies player software program on July 22, 2002, as shown in this same section of Exhibit C. In particular, "this no longer [reproduces]" in line 43 indicates that the problem previously identified no longer reproduces in build 2780 because the WINDOWS MEDIA brand technologies player software program works for its intended purpose.

Exhibit C thus establishes the fact that the WINDOWS MEDIA brand technologies player worked for its intended purpose at least as early as July 20, 2002. Exhibit C establishes proof of actual reduction to practice of the invention as claimed in the present application.

7. Exhibit D is a screenshot dated August 15, 2002 of the WINDOWS MEDIA brand technologies player software program. The screenshot shows the WINDOWS MEDIA brand technologies player software program rendering audio from the album entitled "Sailing to Philadelphia." In the upper right-hand corner of the screen shot, album art is shown for this particular album. The album art depicts an airplane entering a frame of view from the right-hand side of the viewer's perspective.

The displayed album art was taken from either local memory or downloaded from a server while the audio is being rendered.

Exhibit D thus further establishes the fact that the WINDOWS MEDIA brand technologies player software program worked for its intended purpose at least as early as August 15, 2002.

8. Exhibit E is an excerpt from a build of the WINDOWS MEDIA brand technologies player dated December 11, 2002. Exhibit E complements the code excerpt of Exhibit A.

The program code in Exhibits A and E reflect the complete invention, at least since every element of each of the independent claims is cross-referenced with a portion of the program code in Exhibits A or E. The program code in Exhibits A and E relate to the claimed invention as shown in the chart below. The lines of code listed in the table are non-exclusive and non-exhaustive. Rather, the lines of code are merely examples of portions of the code that relate to the associated claim language.

INDEPENDENT CLAIM	CLAIM LANGUAGE	EXHIBIT A	EXHIBIT E
1.	determining whether a user-selected image file corresponding to media content contained in the media file is stored in a memory accessible by the computing device executing the		Lines 5-131 and 325-690.

	application program		
1.	if not, determining whether a third-party image file accessible by the computing device corresponds to the media content contained in the media file	Lines 32-70.	Lines 133-163.
1.	displaying either the user-selected image file or the third-party image file as determined when the application program renders the media file corresponding thereto		Lines 5-163.
17.	sending, from a computing device to a metadata provider, an identifier value associated with a media file, said media file storing media content to be rendered with an application program executed by the computing device	Lines 32-70	Lines 133-163.
17.	receiving metadata corresponding to the media content stored in the media file from the metadata provider in response to the sent identifier value, said received metadata including an image file	Lines 32-70	Lines 5-163.
17.	storing the received image file in a directory with the media file, said received image file having a filename, said filename comprising an identifier value corresponding to the media content stored in the media file	Lines 32-70.	
29.	a resolution component for determining whether a user-selected image file is stored in a memory accessible by the computing device, said user-selected image file corresponding to media content stored in the media file to be rendered with the application program executed by the computing device, said resolution component further determining whether a third-party image file accessible by the computing device corresponds to the media file if the user-selected image file is not stored in the memory	Lines 32-70.	Lines 5-163 and 325-690.

29.	a user interface component for displaying either the user-selected image file or the third-party image file as determined by the resolution component when the application program renders the media file corresponding thereto		Lines 5-163.
39.	an image file corresponding to the media file, said image file having a filename associated therewith, said filename comprising an identifier value associated with the media content in the media file corresponding thereto, wherein the application program displays the image file having the filename including the identifier value associated with the media file when the application program renders the media file	Lines 29-38.	Lines 5-163.
45.	an identifier value associated with the media content, wherein an application program executed by a computing device searches a file system associated with the computing device for the image file using the identifier value to display the image file while rendering the media content, and wherein the application program further searches a file system not associated with the computing device if the image file is not found in the file system associated with the computing device	Lines 32-70.	Lines 5-163 and 325-690.

9. We declare as witnesses that the WINDOWS MEDIA brand technologies player software application (including the program code from Exhibits A and E) worked for its intended purpose prior to the February 7, 2003 publication date of the MusicMatch Jukebox User's Guide as evidenced by the statements made herein and the Exhibits provided herewith.

10. All work referred to in Exhibits A, B, C, D, and E was carried out in the United States of America.

11. In accordance with MPEP §715.07, we allege that the facts established and shown herein are evidence of proof of completion of the invention as claimed in the present application on July 18, 2002.

12. Based on the foregoing, we believe that we are the original inventors of the invention claimed in this patent application.

13. Based on the foregoing, we believe that we reduced to practice the claimed invention in the United States before the publication date of the MusicMatch Jukebox User's Guide, which was February 7, 2003.

14. We each declare that all statements made herein of our knowledge are true; and further that these statements were made with the knowledge that willfully making false statements is punishable by fine, imprisonment, or both, under 18 U.S.C. ' 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2/28/2007
Date


Daniel Plastina

Date

Michael Novak

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We tested the WINDOWS MEDIA brand technologies player software program (of which the program code in Exhibit A is an excerpt) on July 18, 2002 and found that it worked for its intended purpose. Thus, we completed the invention as claimed in the present application at least as early as July 18, 2002.

4. Exhibit B is an electronic mail message dated July 19, 2002, having portions redacted, that accompanied checkin of the program code in Exhibit A into a build of the WINDOWS MEDIA brand technologies player software program. Exhibit B shows that the program code in Exhibit A was incorporated into the WINDOWS MEDIA brand technologies player software program under development on July 19, 2002.

5. In Exhibit B, the DevBVT entry of "ran and passed" indicates that the program code in Exhibit A was further tested and executed successfully on July 19, 2002. As such, Exhibit B establishes the fact that the program code in Exhibit A worked for its intended purpose at least as early as July 19, 2002.

6. Exhibit C is a testing results document, having portions redacted, relating to the WINDOWS MEDIA brand technologies player software program (of which the computer programming code shown in Exhibit A is an excerpt). Exhibit C shows that the WINDOWS MEDIA brand technologies player software program worked for its intended purpose at least as early as July 20, 2002 to display either album art (e.g., an image file) stored in local memory or album art (e.g., an image file) downloaded from a remote location. In particular, approximately lines 38-43 show an entry indicating that the operation of the program code in Exhibit A was verified in two separate builds (2777 and 2778) of the WINDOWS MEDIA brand technologies player software program on July 20, 2002. Additionally, the operation of the program code in Exhibit A was verified in another build (2780) of the WINDOWS MEDIA brand technologies player software program on July 22, 2002, as shown in this same section of Exhibit C. In particular, "this no longer [reproduces]" in line 43 indicates that the problem previously identified no longer reproduces in build 2780 because the WINDOWS MEDIA brand technologies player software program works for its intended purpose.

Exhibit C thus establishes the fact that the WINDOWS MEDIA brand technologies player worked for its intended purpose at least as early as July 20, 2002. Exhibit C establishes proof of actual reduction to practice of the invention as claimed in the present application.

7. Exhibit D is a screenshot dated August 15, 2002 of the WINDOWS MEDIA brand technologies player software program. The screenshot shows the WINDOWS MEDIA brand technologies player software program rendering audio from the album entitled "Sailing to Philadelphia." In the upper right-hand corner of the screen shot, album art is shown for this particular album. The album art depicts an airplane entering a frame of view from the right-hand side of the viewer's perspective.

The displayed album art was taken from either local memory or downloaded from a server while the audio is being rendered.

Exhibit D thus further establishes the fact that the WINDOWS MEDIA brand technologies player software program worked for its intended purpose at least as early as August 15, 2002.

8. Exhibit E is an excerpt from a build of the WINDOWS MEDIA brand technologies player dated December 11, 2002. Exhibit E complements the code excerpt of Exhibit A.

The program code in Exhibits A and E reflect the complete invention, at least since every element of each of the independent claims is cross-referenced with a portion of the program code in Exhibits A or E. The program code in Exhibits A and E relate to the claimed invention as shown in the chart below. The lines of code listed in the table are non-exclusive and non-exhaustive. Rather, the lines of code are merely examples of portions of the code that relate to the associated claim language.

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17.	receiving metadata corresponding to the media content stored in the media file from the metadata provider in response to the sent identifier value, said received metadata including an image file	Lines 32-70	Lines 5-163.
17.	storing the received image file in a directory with the media file, said received image file having a filename, said filename comprising an identifier value corresponding to the media content stored in the media file	Lines 32-70.	
29.	a resolution component for determining whether a user-selected image file is stored in a memory accessible by the computing device, said user-selected image file corresponding to media content stored in the media file to be rendered with the application program executed by the computing device, said resolution component further determining whether a third-party image file accessible by the computing device corresponds to the media file if the user-selected image file is not stored in the memory	Lines 32-70.	Lines 5-163 and 325-690.

29.	a user interface component for displaying either the user-selected image file or the third-party image file as determined by the resolution component when the application program renders the media file corresponding thereto		Lines 5-163.
39.	an image file corresponding to the media file, said image file having a filename associated therewith, said filename comprising an identifier value associated with the media content in the media file corresponding thereto, wherein the application program displays the image file having the filename including the identifier value associated with the media file when the application program renders the media file	Lines 29-38.	Lines 5-163.
45.	an identifier value associated with the media content, wherein an application program executed by a computing device searches a file system associated with the computing device for the image file using the identifier value to display the image file while rendering the media content, and wherein the application program further searches a file system not associated with the computing device if the image file is not found in the file system associated with the computing device	Lines 32-70.	Lines 5-163 and 325-690.

9. We declare as witnesses that the WINDOWS MEDIA brand technologies player software application (including the program code from Exhibits A and E) worked for its intended purpose prior to the February 7, 2003 publication date of the MusicMatch Jukebox User's Guide as evidenced by the statements made herein and the Exhibits provided herewith.

10. All work referred to in Exhibits A, B, C, D, and E was carried out in the United States of America.

11. In accordance with MPEP §715.07, we allege that the facts established and shown herein are evidence of proof of completion of the invention as claimed in the present application on July 18, 2002.

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Date

Daniel Plastina

2-28-2007

Date

Michael Novak